

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 9, 2006

DIVISION ONE

B176498 Daniels (Not for Publication)
v.
Daniels

The judgment is conditionally vacated and the cause is remanded to the trial court with directions to hold a hearing at which testimony may be presented by Ernestine (and rebutted by Troy) to determine whether the 107th Street properties are her separate property and, if so, whether there was a fraud on the court vis-à-vis those properties. If the court finds there was no fraud upon the court, the judgment shall be deemed affirmed and final as of that date. If the court finds there was a fraud upon the court, it may reopen such other issues and make such additional orders as may be necessary and appropriate. The parties are to pay their own costs of this appeal.

Vogel (Miriam A.), J.

I concur: Rothschild, J.
I dissent: Spencer, P.J. (Opinion)

DIVISION TWO

B184023 Lisa Frank, Inc. (Not for Publication)
v.
Brown

The order granting Brown's motion to quash is affirmed. Brown is entitled to recover her costs on appeal.

Doi Todd, Acting P.J.

We concur: Ashmann-Gerst, J.
Chavez, J.

May 9, 2006 (Continued)

DIVISION TWO (Continued)

B172637 Fauser (Not for Publication)
v.
Venouziou

The judgment is affirmed with direction to the trial court to determine the amount of attorney fees on appeal due to respondent. Respondent is awarded costs on appeal

Doi Todd, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION THREE

B185718 Los Angeles County, D.C.S. (Not for Publication)
v.
Robin T.
In re Kara C., a Person Coming Under the Juvenile Court Law

The August 19, 2005, order is reversed and the matter is remanded for the juvenile court to hold a new hearing and make a determination whether the DCFS has complied with ICWA notice requirements. If the juvenile court determines that Indian entities have not received proper ICWA notice, the juvenile court is directed to order the DCFS to provide proper ICWA notice. If the juvenile court determines that Indian entities have received proper ICWA notice and determines that Kara is not an Indian child and the ICWA does not apply, the juvenile court should reinstate its order. Alternatively, if the juvenile court determines that Indian entities have received proper ICWA notice and determines that Kara is an Indian child and that the ICWA does apply in this proceeding, Mother is then entitled to petition the juvenile court to invalidate orders which violated 25 United States Code sections 1911, 1912, and 1913. (See 25 U.S.C. § 1914 and Cal. Rules of Court, rule 1439(n).)

Kitching, J.

We concur: Croskey, Acting P.J.
 Aldrich, J.

DIVISION THREE (Continued)

B185057 People (Not for Publication)
v.
Albert Perryman

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Kitching, J.

B183901 Richards (Certified for Publication)
v.
Department of Alcoholic Beverages Control

The judgment is affirmed. The Department is entitled to recover its costs on appeal.

Croskey, J.

We concur: Klein, P.J.
Aldrich, J.

B183605 People (Not for Publication)
v.
Franklin Zimmerman

The judgment is affirmed.

Klein, P.J.

We concur: Croskey, J.
 Aldrich, J.

May 9, 2006 (Continued)

DIVISION FIVE

Court convened at 9:00 a.m.

Turner, P.J., Mosk, J., Kriegler, J. and C. Adams, Deputy Clerk.

Each of the following:

B183087 People v. Jerome H.
B185133 People v. Excell Magee

Argument waived, cause submitted.

B182133 People
 v.
 People v. Sante Kimes

Merits:
Argued by Seymour I. Amster for appellant and by Michael Johnsen,
Deputy Attorney General for respondent Cause submitted.

Court recessed at 9:27am

Court reconvened at 9:39am

Present: Turner, P.J., Armstrong, J., Mosk, J. and C. Adams, Deputy Clerk.

B180906 Alpha Holdings, Ltd., etc., et al.,
 v.
 The Travelers Indemnity Co., etc., et al.

Merits:
Argued by Tina M. Alleguez and by Robert S. Robinson for appellant and
by Lisa Kralik Hansen for respondents and by Marc Derewetzky for
respondents. Cause to be submitted in 10 days.

DIVISION FIVE (Continued)

B182439 Franciscan Park Association, Inc.
 v.
 David B. Woody et al

Merits:

Argued by Bruce N. Graham for appellant and by Denise M. Parga for respondents. Cause submitted.

Court recessed at 10:51am

Court reconvened at 10:56am

Present: Turner, P.J., J., Mosk, J., Kriegler, J. and C. Adams, Deputy Clerk.

Each of the following:

B180685 Rollins v. Hall
B182224 People v. Chad Harrington
B189369 Susan M. v. SCLA (DCFS)
B183394 People v. Mario Chacon Hernandez
B186953 People v. Harold Alfred
B186181 People v. Hoy Chan
B183916 Regents of University of California v. Gentile
B183673 People v. Doreen D.

Argument waived, cause submitted

B187242 In re Steven D., a Person coming under the juvenile court law
 v.
 Los Angeles County, D.C.S.
 Doreen D.

Merits:

Argued by Leslie A. Barry for appellant and O. Raquel Ramirez, Deputy County Counsel for respondent. Cause submitted.

DIVISION FIVE (Continued)

B182315 Rifaat Salem et al
 v.
 State Farm General Insurance Co.

Merits:
Argued by Lawrence B, Haile for appellant and Kathryn Albarian for
respondent. Cause submitted.

Court recessed at 11:30 am

Court reconvened at 1:00 pm

Present: Turner, P.J., Mosk, J., Kriegler, J. and C. Adams, Deputy Clerk.

B182051 Jesus Nunez, Jr., et al
 v.
 Harold Fisher et al

Merits:
Argued by Anthony J. Rista for respondent. No appearance by appellants
Cause submitted.

B182668 Sung Jin Kim
 v.
 Jans Apartments et al.,

Merits:
Argued by James Mazza for appellant and by Kevin McNamara for
respondent. Cause submitted.

B182248 Eddie Navarro
 v.
 County of Los Angeles

Merits:
Argued by Mark Todd Clausen for appellant and by Edwin A. Lewis for
respondent. Cause submitted.

DIVISION FIVE (Continued)

B186240 Jerry Lee etc
v.
AT&T Wireless Services, Inc., et al

Merits:
Argued by William M. Turner for appellant and by Donald M. Falk for respondent. Cause submitted.

Court adjourned.

DIVISION SIX

B181732 People (Not for Publication)
v.
Jefferson

The six-year term imposed on count 5 and the 25 year- to-life terms imposed and stayed on counts 6 through 13 are stricken. In all other respects the judgment is affirmed.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B186801 People (Not for Publication)
v.
Madsen

The judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

May 9, 2006 (Continued)

DIVISION SIX (Continued)

B186125 Benson (Certified for Publication)
v.
Calif. Coastal Commission

The judgment is affirmed. Costs on appeal are awarded to respondent.

Gilbert, P.J.

We concur: Yegan, J.
Coffee, J.

B186242 We Care - Santa Paula (Certified for Publication)
v.
Herrera

The judgment (order) denying We Care's petition for writ of mandate is reversed and remanded for further proceedings consistent with this opinion. Costs on appeal are awarded to appellant.

Gilbert, P.J.

We concur: Yegan, J.
Perren, J.

B182257 Preciado (Certified for Publication)
v.
Wilde

The judgment is affirmed. Costs are awarded to respondent.

Gilbert, P.J.

We concur: Coffee, J.
Perren, J.

May 9, 2006 (Continued)

DIVISION EIGHT

B178119 People (Not for Publication)
v.
Hackman

The judgment is affirmed.

Boland, J.

We concur: Cooper, P.J.
Flier, J.